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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3775 OF 2006

Vilas Vitthal Sonawane .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.K.S.Patil and Deepak Girme for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st November 2006

P.C.

. The applicant is arrested in connection with C.R.No.44 of 2006. Applicant is arrested on 17th March 2006. Offence alleged is under

section 376 of I.P.C. The investigations are complete and charge sheet is filed.

2. From a perusal of the statement of the prosecutrix who is aged 28 years, it is apparent that she knew the applicant. Besides this, the applicant has on 30th December 2005 brought to the notice of the Khed police station that the prosecutrix had sought financial assistance and the applicant as also prosecutrix had entered into an agreement. The transaction of sale of land with all its details has been set out in this complaint of the applicant. Besides this, the applicant has pointed out that he has repeatedly approached the prosecutrix for refund of amount lent and advanced to her but she has been avoiding payment. There was heated exchange at her place on 19th October 2005 and thereafter the incident is narrated in details in this complaint. The threat of prosecutrix to involve the applicant in a false case is also set out with details.

3. The applicant is serving as a Clerk in the Tahsil office at Ghodegaon. The prosecutrix had separated from her husband and maintenance proceedings and other matters between them are pending. She has also contested elections to the local panchayat.

4. From a perusal of the materials brought to my notice so also the photographs, case of prosecutrix appears to be doubtful and suspicious. Applicant has agreed not to stay at Rajgurunagar during the pendency of the trial. In such circumstances, following order would meet the ends of justice.

i) The applicant arrested in connection with C.R.No.44 of 2006 registered with Khed Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall not enter Rajguru Nagar and will report to the nearest police station to his new residence once a fortnight on Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. Applicant shall furnish his new address to the I.O. at the time of release.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)